IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOYCE OUTDOOR ADVERTISING

WALLSCAPES, LLC

:

Plaintiff, : 3:24-cv-00791

(JUDGE MARIANI)

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:

CITY OF SCRANTON and MAYOR PAIGE GEBHARDT COGENTTI,

Individually

:

Defendants.

<u>ORDER</u>

AND NOW, THIS DAY OF NOVEMBER 2024, upon consideration of

Defendants' motion to dismiss, (Doc. 10), and the parties' submissions, it is **HEREBY**

ORDERED THAT: Defendants' motion to dismiss, (Doc. 10), is **GRANTED IN PART AND DENIED IN PART** as follows:

- 1. Defendants' motion to dismiss Count II alleging a violation of the Taking Clause is **DENIED**.
- 2. Defendants' motion to dismiss Count III alleging a violation of procedural due process and *Monell* liability is **DENIED**.
- 3. Defendants' motion to dismiss Count IV alleging a violation of substantive due process is **DENIED**.
- 4. Defendants' motion to dismiss Count VI alleging a violation of the equal protection clause is **DENIED**.

- 5. Defendants' motion to dismiss Count VII alleging tortious interference with contractual relations is **GRANTED** with leave to amend.
- 6. Defendants' motion to dismiss Count VIII alleging conversion is **GRANTED** with leave to amend.

7. Plaintiff may file an amended complaint within twenty-one (21) days from the date of this Order.

Robert D. Mariani

United States District Judge